

**Introduced by Senator Hollingsworth**

January 11, 2007

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An act to amend Sections 11320.15 and 11327.5 of, and to add Section 11454.2 to, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 58, as introduced, Hollingsworth. CalWORKs program.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families.

Existing law, with certain exceptions, requires removal of a participant after he or she has received aid for a total of 60 months and, thereafter, does not require participation in the welfare-to-work program but requires participation in community service if the county continues to provide assistance.

This bill would, instead, require, after an adult has received aid for the 60-month period, that he or she be removed from the assistance unit, but would permit children in the assistance unit to continue to receive assistance after the 60-month benefit limit has been reached only if certain conditions are met.

This bill would prohibit eligibility for aid for an assistance unit if the assistance unit has received aid for a cumulative total of 60 months during which time no adult was part of the assistance unit for prescribed

reasons, including, that the adult or adults were not lawfully present in the United States or were convicted of certain crimes.

Existing law requires the imposition of sanctions, as specified, if an individual has failed or refused to comply with CalWORKs program requirements. Existing law requires that a family's grant be reduced by removal of the noncompliant family member from the assistance unit. Existing law requires a sanction to terminate at any point if the noncomplying participant performs the activity or activities the individual previously refused to perform.

This bill would require removal of the noncompliant member for up to 90 days and discontinuance of the family's aid if the individual has not resumed full participation during that 90-day period.

Existing law requires that, for families that qualify due to unemployment of the family's primary wage earner, the sanctioned parent, and the spouse or second parent under certain circumstances, be removed from the assistance unit.

This bill would, instead, prohibit consideration of the needs of the noncompliant parent, spouse, or second parent, in those cases, when considering the assistance needs of the family unit, and would make conforming changes.

To the extent that this bill would increase county administrative duties with respect to the CalWORKs program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11320.15 of the Welfare and Institutions
- 2 Code is amended to read:

1 11320.15. (a) After a participant an adult recipient has  
2 received aid for a total of 60 months, pursuant to Section 11454,  
3 he or she shall be removed from the assistance unit for the purposes  
4 of calculation of aid under Section 11450 and he or she shall no  
5 longer be required to participate in welfare-to-work activities.  
6 ~~Additional.~~ Children in the assistance unit may continue to receive  
7 aid under Section 11450 only when the former recipients meet the  
8 federal work participation requirements under Section 607 of Title  
9 42 of the United States Code.

10 (b) After the 60-month benefit limit has been reached pursuant  
11 to Section 11454, additional welfare-to-work services may be  
12 provided to the former recipient, at the option of the county. If the  
13 county provides services to the recipient after the 60-month limit  
14 has been reached, the recipient shall participate in community  
15 service.

16 SEC. 2. Section 11327.5 of the Welfare and Institutions Code  
17 is amended to read:

18 11327.5. (a) Sanctions shall be imposed in accordance with  
19 subdivision (b) or (c), as appropriate, if an individual has failed or  
20 refused to comply with program requirements without good cause  
21 and conciliation efforts, as described in Section 11327.4, have  
22 failed.

23 (b) The sanctions provided for in subdivisions (c) and (d) shall  
24 not apply to an individual who is exempt from the requirements  
25 of this article but is voluntarily participating in the program. If  
26 such an individual engages in conduct that would bring about the  
27 actions provided for in subdivisions (c) and (d), except for his or  
28 her status as a voluntary program participant, the individual shall  
29 not be given priority so long as other individuals are actively  
30 seeking to participate.

31 (c) Financial sanctions for failing or refusing to comply with  
32 program requirements without good cause shall cause a reduction  
33 in the family's grant by removing the noncomplying family  
34 member from the assistance unit for a period of time specified in  
35 subdivision (d) for up to 90 days by not considering the  
36 noncompliant individual's needs in determining the family's need  
37 for assistance and the amount of the assistance payment under  
38 Section 11450. If the individual has not resumed full participation  
39 in the activities assigned by the county within the 90-day period

1 *of aid reduction, the family's aid under this chapter shall be*  
2 *discontinued.*

3 (1) For families that qualify for aid due to unemployment of the  
4 family's primary wage earner, the ~~sanctioned~~ *needs of the*  
5 *noncompliant parent shall not be removed from the assistance unit*  
6 *considered in determining the family's needs for assistance and*  
7 *the amount of the assistance payment under Section 11450.* Unless  
8 the spouse or the family's second parent meets the provisions of  
9 subparagraph (A) of paragraph (2), if the sanctioned parent's  
10 spouse or the family's second parent is not participating in the  
11 program, ~~both~~ *neither the sanctioned parent and nor the spouse or*  
12 *second parent shall be removed from the assistance unit have their*  
13 *needs considered in calculating the family's need for assistance*  
14 *and the amount of the assistance payment under Section 11450.*  
15 *If neither party is engaged in full participation in the activities*  
16 *assigned by the county within the 90-day period of aid retention,*  
17 *the family's aid under this chapter shall be discontinued.* The  
18 county shall notify the spouse of the noncomplying participant or  
19 second parent in writing at the commencement of conciliation of  
20 his or her own opportunity to participate and the impact on  
21 sanctions of that participation.

22 (2) (A) Except as provided in subparagraph (B), exemption  
23 criteria specified in Section 11320.3, conciliation specified in  
24 Section 11327.4, and good cause criteria specified in Section  
25 11320.31 and subdivision (f) of Section 11320.3 shall apply to the  
26 sanctioned parent's spouse or the family's second parent.

27 (B) Exemption criteria specified in paragraphs (5) and (6) of  
28 subdivision (b) of Section 11320.3 do not apply to a spouse or  
29 second parent who is participating to avoid the sanction of the  
30 noncomplying parent.

31 (C) If the sanctioned parent's spouse or the family's second  
32 parent chooses to participate to avoid the noncomplying parent's  
33 sanction, subsequently fails or refuses to participate without good  
34 cause, and does not conciliate, he or she shall ~~be removed from~~  
35 ~~the assistance unit for a period of time specified in subdivision (d)~~  
36 *sanctioned in accordance with this subdivision.*

37 (D) If the sanctioned parent's spouse or the family's second  
38 parent is under his or her own sanction at the time of the first  
39 parent's sanction, the spouse or second parent shall not be provided  
40 the opportunity to avoid the first parent's sanction until the spouse

1 or second parent's sanction is completed *parent has performed*  
2 *the activities he or she failed or refused to perform.*

3 (3) For families that qualify due to the absence or incapacity of  
4 a parent, only the *needs of the* noncomplying parent shall be  
5 ~~removed from the assistance unit~~ *not be considered in calculating*  
6 *the family's need for assistance and the amount of the assistance*  
7 *payment under Section 11450.*

8 ~~(4) If the noncomplying individual is the only dependent child~~  
9 ~~in the family, his or her needs shall not be taken into account in~~  
10 ~~determining the family's need for assistance and the amount of~~  
11 ~~the assistance payment.~~

12 ~~(5) If the noncomplying individual is one of several dependent~~  
13 ~~children in the family, his or her needs shall not be taken into~~  
14 ~~account in determining the family's need for assistance and the~~  
15 ~~amount of the assistance payment.~~

16 (d) An instance of noncompliance without good cause shall  
17 result in a financial sanction. This sanction shall terminate at any  
18 point if the noncomplying participant performs the activity or  
19 activities he or she previously refused to perform.

20 (e) Sanctions shall become effective on the first day of the first  
21 payment-month that the sanctioned individual's needs are ~~removed~~  
22 ~~from aid under this chapter~~ *not considered in calculating the*  
23 *family's aid under Section 11450.*

24 (f) In the event this section conflicts with federal law, the  
25 department shall adopt regulations to conform to federal law.

26 SEC. 3. Section 11454.2 is added to the Welfare and  
27 Institutions Code, to read:

28 11454.2. (a) An assistance unit shall not be eligible for aid  
29 under this chapter when the assistance unit has received aid under  
30 this chapter for a cumulative total of 60 months during which time  
31 no adult was part of the assistance unit because the adults who  
32 would otherwise have been members of the assistance unit were  
33 any of the following:

34 (1) Not lawfully present in the United States.

35 (2) Persons described by subparagraph (A) of paragraph (9) of  
36 subsection (a) of Section 608 of Title 42 of the United States Code.

37 (3) Convicted of any offense classified as a felony by the law  
38 of the jurisdiction involved and which has as an element the  
39 possession, use, or distribution of a controlled substance, as defined  
40 in Section 802(6) of Title 21 of the United States Code.

1 (b) No month in which aid has been received prior to January  
2 1, 1998, shall be taken into consideration in computing the  
3 60-month limitation provided for in subdivision (a).

4 SEC. 4. If the Commission on State Mandates determines that  
5 this act contains costs mandated by the state, reimbursement to  
6 local agencies and school districts for those costs shall be made  
7 pursuant to Part 7 (commencing with Section 17500) of Division  
8 4 of Title 2 of the Government Code.

9 SEC. 5. This act is an urgency statute necessary for the  
10 immediate preservation of the public peace, health, or safety within  
11 the meaning of Article IV of the Constitution and shall go into  
12 immediate effect. The facts constituting the necessity are:

13 In order for the provisions of this act to be applicable as soon as  
14 possible, and thereby permit the greatest possible fiscal benefit in  
15 the current fiscal year, it is necessary that this act take effect  
16 immediately.